

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

JOSEPH EDMONDSON,

Plaintiff,

v.

Hon. Robert J. Jonker  
Hon. Phillip J. Green

COMMISSIONER OF SOCIAL  
SECURITY,

Case No. 1:16-cv-01095

Defendant.

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**REPORT AND RECOMMENDATION**

On September 2, 2016, plaintiff filed this action seeking judicial review of the Commissioner's decision, denying his claims for Disability Insurance Benefits (DIB) and Supplemental Security Income (SSI). (Compl., ECF No. 1). On September 6, 2016, the Court issued the summons' plaintiff had attached to his complaint (ECF No.3).

On January 10, 2017, the Court entered a Notice of Impending Dismissal for failure to serve. (ECF No. 4). Plaintiff was to provide the Court with Service of Process on or before January 23, 2017. He failed to comply.

As a result, on January 30, 2017, the Court issued an order requiring plaintiff to show cause why his case should not be dismissed for want of prosecution. (ECF No. 5). Plaintiff responded through counsel on February 2, 2017, stating that he did not oppose the show-cause order because he intended to re-file his application for DIB and SSI with the Commissioner. (ECF No. 6). Plaintiff counsel's response to the show-cause order served no purpose. He needed to file a motion to dismiss, and he was

repeatedly advised of that by Court staff. Inexplicably, plaintiff's counsel has taken no action.

Accordingly, I recommend that this case be dismissed, without prejudice, for want of prosecution and for repeated failures to comply with the Court's orders and rules. *See* FED. R. CIV. P. 41(b); *see also Erby v. Kula*, 113 F. App'x 74, 75-76 (6th Cir. 2004) (District court did not abuse its discretion in dismissing civil rights complaint for want of prosecution under Rule 41(b) after plaintiff failed to comply with deficiency order regarding his application to proceed *in forma pauperis*.); *Anderson v. Commissioner*, No. 2:13-cv-867, 2013 WL 6330758, \*1 (E.D. Mich. Dec. 5, 2013) (dismissing social security case for want of prosecution after plaintiff failed to respond to a show-cause order).

Respectfully submitted,

Date: May 15, 2017

/s/ Phillip J. Green  
PHILLIP J. GREEN  
United States Magistrate Judge

### **NOTICE TO PARTIES**

Any objections to this Report and Recommendation must be filed and served within fourteen days of service of this notice on you. 28 U.S.C. § 636(b)(1)(C); FED. R. CIV. P. 72(b). All objections and responses to objections are governed by W.D. MICH. LCIVR 72.3(b). Failure to file timely and specific objections may constitute a waiver of any further right of appeal. *See Thomas v. Arn*, 474 U.S. 140 (1985); *Keeling v. Warden, Lebanon Corr. Inst.*, 673 F.3d 452, 458 (6th Cir. 2012); *United States v. Branch*, 537 F.3d 582, 587 (6th Cir. 2008). General objections do not suffice. *See McClanahan v. Comm'r of Social Security*, 474 F.3d 830, 837 (6th Cir. 2006); *Frontier Ins. Co. v. Blaty*, 454 F.3d 590, 596-97 (6th Cir. 2006).